

## MINUTES OF THE MEETING OF THE CITY OF SEAFORD MAYOR AND COUNCIL

June 27, 2006

7:00 p.m.

Mayor Edward H. Butler, Jr., called the Regular Meeting to order with the following present: Councilwoman Pat A. Jones, Councilwoman Grace S. Peterson, and Councilman J. Rhea Shannon. Dolores J. Slatcher, City Manager, Charles D. Anderson, Director of Operations, and Michael Mulvaney, Building Official were also present.

Councilwoman Jones offered the opening prayer. Mayor Butler led those present in the Pledge of Allegiance.

Mayor Butler solicited changes to the agenda. There being none the agenda stood as presented.

Mayor Butler called for a motion to approve the Minutes of the Regular Meeting of June 13, 2006. Councilwoman Jones so moved; Councilwoman Peterson seconded the motion. Councilman Shannon noted the date on the Minutes showed June 14, 2006 and the meeting was held June 13, 2006. City Manager Slatcher stated the Minutes would be corrected as noted. Motion so passed with all present voting in favor.

Mayor Butler recognized Mr. Frank Morris who presented the City with an American Flag and plaque from Mr. Morris' son, CW2 Andrew Morris, US Army, who is a helicopter pilot. CW2 Morris graduated from Seaford High School and is an 18 year veteran of the Army. The Flag was flown in an AH-64D Longbow Apache during combat missions over Baghdad Iraq by CW2 Morris, in support of Operation *Iraq Freedom*. The plaque in part reads: *It is given with thanks from one grateful soldier for your support of all veterans through this time of strife. Your support for this great nation, its veterans, and their mission to bring Peace and Freedom to a People who have never known it is greatly appreciated. From freedom frontier, thank you. CW2 Andrew "MO" Morris, Killer 29.* Mayor Butler expressed his deep appreciation and gratitude on behalf of the City Council and the City to Mr. Morris, to extend to his son.

There was no correspondence.

Mayor Butler closed the Regular Meeting and opened the Public Hearing at 7:05 p.m.

Mr. Mulvaney presented Case No. S-28-06. AAM, LLC, property owners of Tax Map and Parcel 3-31 5.00 50.07, located on Bridgeville Road, wish to subdivide four acres of land from the larger parcel. This is the location of the former Strikemasters building. Mr. Mulvaney introduced Mr. Robert Boyd, representative of the project. Mr. Mulvaney began by describing the location of the site and pointing out the boundaries of the larger parcel – Herring Run to the south and to the east the lands of Seaford Village. Wash 'n' Vac is to the west; the lands to the north are owned by AAM, LLC. When the Strikemaster building was constructed, the front building setback was measured from Rt. 13A. At a later date, a parcel of land in the front of Strikemasters was subdivided; the car wash was built on that parcel. The setback now comes into question. The north side setback from Fallon Avenue will only be 17'; in C-2, a 20' setback is required; the only way to meet the setback is to shift the road alignment. The Planning and Zoning Commission recommended leaving the road as it is.

Mr. Mulvaney presented the findings of fact:

- 1) The building on the property to be separated from the larger parcel meets C-2 area and bulk requirements except for the north side with a 17' setback; it is a pre-existing condition;
- 2) The Planning and Zoning Commission recommends approval of the project.

Mayor Butler called for Public Comment. There was none.

Mr. Mulvaney presented the sketch plan request from Seaford Villages, LLC, property owners of Tax Map and Parcel 3-31 5.00 50 ( Seaford Village Shopping Center). The owners wish to construct a 22,000± square foot addition to the north end at Roses and add 182 parking spaces. Mr. Mulvaney explained that due to weather conditions Mr. Fred Tomarchio could not attend tonight. The access road between the out parcel and Roses would be moved shifted to the north. The additional parking spaces would be added on the Herring Run Road side, in the rear of the shopping center and also some spaces in the front.

Mr. Mulvaney noted Planning and Zoning were concerned with adding more traffic to Herring Run Road. The City suggested that a connection from the shopping center to Jet Avenue may be beneficial to the shopping center and may also help ease the traffic problems along Herring Run Road.

Councilwoman Peterson asked how many storefronts the new building will have. Mr. Mulvaney said it is anticipated 3, but it could be one large store. The owners have not obtained tenants as of yet.

Mr. Mulvaney presented the Findings of Fact:

- 1) The project meets the C-2 requirements;
- 2) The project meets the parking requirements;
- 3) The project will be reviewed by the State Fire Marshal; Conservation and DeIDOT;
- 4) The Planning and Zoning Commission recommends approval.

Mayor Butler asked for comments.

Councilman Shannon inquired if the traffic light at Mr. Glo Glass was still under discussion? Mr. Mulvaney explained the Corridor Preservation Road would actually cross Herring Run Road from the Lowe's site at the Hallmark store, then eventually extend behind the carpet store and through the J.A. Moore property when it is developed. The light will be at the Hallmark entrance. City Manager Slatcher felt a connection to Fallon Avenue may move traffic away from the Post Office and Mears Campus area. She would like to get the parties together for a discussion. Mr. Ted Gruwell, 413 Bradford Street asked if Herring Run Road will be widened? Mr. Mulvaney responded yes, between Rt. 13 and Rt. 13A, with up to eight lanes in some points. Mr. Boyd spoke on behalf of AAM, LLC, saying they are open to discussion on the cross access between their property (Fallon Avenue) and the shopping center. They have plans to build an office complex on Fallon Avenue and they also have someone interested in purchasing the last lot. The utilities are installed and the design work for the extension of Fallon is done.

There being no further discussion, Mr. Mulvaney presented the request from Davis, Bowen and Friedel, Inc. on behalf of the property owners of Tax Map and Parcel 3-31 5.00 11, located on Bridgeville Road for a preliminary site plan review for *Lawrence Crossing*. The site is located across from the former Strikemasters building and behind "Lawrence". Mr. Mulvaney introduced Mr. Tim Metzner, project engineer from Davis, Bowen and Friedel and Mr. Brian McGregor, the project developer.

The site is 56± acres; 2.35 acres is zoned C-2, most of the area will be used for the storm water management pond. *Lawrence Crossing* will have thirteen (13) condo buildings, sixteen (16) units each, four (4) stories in height. The first floor will provide covered resident parking. On March 1, 2006, the project received a variance for height to allow parking on the ground level underneath the buildings. The upper three floors will be residential units. In addition, the site will have 147 town homes, five to eight units per building, three stories in height. The total unit count is 355. The project will have a pool and clubhouse as amenities. The lot coverage is significantly less than required by Code 15.3 % compared to the allowed 20%. The allowed units per acres is 14, the project build out is 6.33 units per acre.

Mr. Metzner continued by saying there are two different town house models. The small model has front access parking; the larger models have rear access parking. Some of the parking by the clubhouse has been taken out; some parking in front of the open space was taken out. The roads will have parallel parking. The boulevard won't have parking to reduce backing up hazards. The site has ample parking however, more than required by Code. Mayor Butler inquired if the condos will have elevators? Mr. Metzner said yes. Mr. Metzner commented the boulevard landscaping will be designed to avoid damaging fire apparatus. He also noted they will preserve the hardwoods.

A few other comments from Mr. Mulvaney completed the discussion - the entrance to *Lawrence Crossing* will be near the existing entrance to the old farmhouse, it will not line up with Fallon Avenue. The sewer will be tied into North Ross lift station at the Utility Building and water will be extended thru *Mearfield*. Since the same engineering firm is working on both *Mearfield* and *Lawrence Crossing*, the City was able to obtain an interconnection road between *Lawrence Crossing* and the R-3 portion of *Mearfield*.

Mr. Mulvaney presented the Findings of Fact:

- 1) The project meets the R-3 requirements;
- 2) An interconnection road with the adjacent development is provided;
- 3) The project is under review by Sussex Conservation, State Fire Marshal's Office and DeIDOT;
- 4) The project engineer has met with the City to integrate utilities;
- 5) The Commission recommends approval to the Council.

Mayor Butler called for public comment.

Mr. Gruwell asked if an interconnection road would be built in the rear? Mr. Mulvaney noted no, not with the R-1 portion.

Mayor Butler closed the Public Hearing and reopened the Regular Meeting.

- Mr. Mulvaney reviewed the Findings of Fact for the subdivision request of AAM, LLC;
  - 1) The building on the property to be separated from the larger parcel meets C-2 area and bulk requirements except for the north side with a 17' setback; however, it is a pre-existing condition;
  - 2) The Planning and Zoning Commission recommends approval of the project.

Councilman Shannon motioned to approve the subdivision of 4 acres from Tax Map and Parcel 3-31 5.00 50.07, as presented. Councilwoman Peterson seconded the motion.

*Roll Call Vote:*

Councilman Shannon voted in favorably based on the findings of fact;  
Councilwoman Peterson voted in favor based on the findings of fact  
Councilwoman Jones voted in favor based on the findings of fact

Mayor Butler noted the Council voted unanimously to approve the subdivision request from AAM, LLC, as presented.

- Mr. Mulvaney went over the Findings of Fact for the sketch plan request from Seaford Villages LLC:

- 1) The project meets the C-2 requirements;
- 2) The project meets the Code parking requirements;
- 3) The project will be reviewed by the State Fire Marshal; Sussex Conservation and DeIDOT;
- 4) The Planning and Zoning Commission recommends approval of the sketch plan.

Councilwoman Peterson motioned to approve the sketch plan for a 22,000± addition and 182 parking spaces at Seaford Village. Councilman Shannon seconded the motion.

*Roll Call Vote:*

Councilwoman Jones voted in favor based on the findings of fact  
Councilwoman Peterson voted in favor based on the findings of fact  
Councilman Shannon voted in favorably based on the findings of fact.

Mayor Butler noted the Council voted unanimously to approve the sketch plan for Seaford Village Shopping Center, as presented.

- Mr. Mulvaney restated the Findings of Fact for *Lawrence Crossing*:
  - 1) The project meets the R-3 requirements;
  - 2) An interconnection road with the adjacent development is provided;
  - 3) The project is under review by Sussex Conservation, State Fire Marshal's Office and DeIDOT;

- 4) The project engineer has met with the City to integrate utilities;
- 5) The Planning and Zoning Commission recommends approval to the Council.

Councilwoman Jones made the motion to approve the preliminary site plan for *Lawrence Crossing*. Councilwoman Peterson seconded the motion.

*Roll Call Vote:*

- Councilwoman Jones voted in favor based on the findings of fact
- Councilwoman Peterson voted in favor based on the findings of fact
- Councilman Shannon voted in favorable based on the findings of fact.

Mayor Butler so noted Council voted unanimously in favor of approving the preliminary site plan for *Lawrence Crossing*.

City Manager Slatcher presented the request for approval of the Records Officer and Authorized Agents for the Delaware Public Archives. City Manager Slatcher asked that Trisha Booth be approved as the Records Officer and that June Merritt, Wendy Pinkine and Dolores Slatcher be approved as authorized agents.

Councilman Shannon made the motion to approve the Records Officer and Authorized Agents, as noted. Councilwoman Peterson seconded the motion. Motion so passed with all present voting in favor.

City Manager Slatcher presented the recommendation from the Economic Development Committee for the sale of lands in Ross Business Park.

- 1) A 3 acre parcel to Towers' Signs for the relocation of the sign company. In addition to the building for the company, the intention of the owner is to build a separate building as a spray booth and provide leasable space for small businesses.
- 2) A 2 acre parcel to Kent T. Peterson for a climate controlled storage facility for large climate controlled items such as antique cars.
- 3) A 2.3 acre parcel to Kent T. Peterson for "build to suit" leasable space.

Additionally, the Economic Development Committee would like conditional approval for the sale of 4.2 acres pending a site visit for a joint venture between Polytechnic Resources and Bayview Health Care, Inc. for the following uses: Polytechnic Resources is an injection molder of plastics used for disposable medical products, for the beverage industry and for interior trim parts for the automotive industry. Bayview Health Care, Inc. would use the site for operations to service the surrounding areas including medical equipment technicians and customer service representatives, in addition to warehousing for home medical equipment.

There being little discussion, Councilman Shannon made the motion to approve the sale of lands in Ross Business Park, as presented, as one motion. Councilwoman Peterson seconded the motion. Motion passed unanimously in favor of the sale of lands.

City Manager Slatcher thanked everyone – Charles Anderson, Mayor and Council, Amy Walls, Mike Mulvaney and other staff, the Fire Service, etc. for their leadership and coordination during the storm event, while she was out of town. She also thanked the State agencies and the Government officials who helped Seaford through the flooding.

On Thursday, June 29<sup>th</sup>, at 7:00 p.m. in the Fire Department banquet hall the State will hold a meeting for all the area residents who were affected by the storm. All State and Federal agencies will be in attendance to assist the residents.

The City Manager went on to say that Soil Conservation plans to do an upstream study to look at the whole area. The area received 13" of rain in 6 hours which is considered a 500 year storm; 9 ½" of rain in 24 hours is a 100 year storm. Governor Minner declared a State of Emergency which will help to plan for mitigation. FEMA can then step up to protect the municipalities.

Mayor Butler thanked everyone concerned. Council worked well together. The Fire Services from all over the area pulled together to assist. The evacuation of Lofland was coordinated by Mr. Dan Warner, CEO of the hospital with the assistance of their staff and the Fire Service.

City Manager Slatcher acknowledged that many Sussex communities offered equipment and resources; EOC provided support. Councilman Shannon acknowledged that Acting County Executive Rick Baker was in Seaford for two days. Council was grateful for his concern.

City Manager Slatcher cited the reason the emergency shelter was set up by the Red Cross in the Woodbridge School was due to the asbestos removal taking place in the Seaford School District.

There being no further business, Mayor Butler called for a motion to adjourn. Councilwoman Peterson so moved. Councilman Shannon seconded the motion.

Mr. Ted Gruwell, 414 Bradford Street asked to be heard for a few minutes. He expressed his concern with the City's '06-'07 budget. He was displeased the City raised property taxes while the County did not. He is in favor of annexation so the tax base larger. Mr. Gruwell presented a list of comments/questions to Council that he would like them to consider when making decision:

- ♦ Why is it necessary to increase the Parks and Rec and Economic Development budgets?
- ♦ Will the hidden taxes in electric be taken out?
- ♦ Why the percentage increase in budget is caused by the annexation process?
- ♦ The City owns a number of properties, are they being utilized?
- ♦ The new tax rate is not shown on the property tax book in the City Hall lobby.
- ♦ Where will the money come from if the Courts rule against the City in the reassessment done in 2005?
- ♦ City purchased the worse rated SUV- Durango? Has the City considered a lease purchase option? Why did the City borrow money to pay for vehicles when the dealerships offer 0% financing?

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- ♦Has the City gone to the Delaware Electric Coop for an electric contract?
- ♦The Electric Manager at Koch stated to Mr. Gruwell that they could provide the City electric at a lower cost. Has the City approached them?
- ♦The town functions, such as Riverfest, cost the City money. Should they be continued?
- ♦Are there any other items that the town has that aren't included in the budget? Balance sheet should show liabilities.
- ♦The City buys gas from Uncle Willie's which is the most expensive gas dealer in all of Delaware, why are they using this dealer?

Mr. Gruwell stated that he brings up these things to get the Council to start thinking about ways to save money. Their goal should be not to raise taxes! Mayor Butler asked Mr. Gruwell how he would like his questions answered? City Manager Slatcher said she would see that they are answered point by point.

Mayor Butler stated a motion was on the floor to adjourn. Council voted unanimously to adjourn the meeting. Mayor Butler adjourned the meeting at 8:00 p.m.

By: \_\_\_\_\_  
Dolores J. Slatcher, City Manager

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